

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	File No. EB-02-TC-052
Charter Communications	)	
	)	CUID No. MO0362 (St. Louis County)
Complaints Regarding	)	
Cable Programming Services Tier Rates	)	

**ORDER**

**Adopted: July 16, 2002**

**Released: July 17, 2002**

By the Chief, Enforcement Bureau:<sup>1</sup>

1. In this Order, we dismiss complaints filed with the Federal Communications Commission ("Commission") against the rates charged by the above-referenced operator ("Operator")<sup>2</sup> for its cable programming services tier ("CPST") in the community referenced above.

2. Under the provisions of the Communications Act<sup>3</sup> that were in effect at the time the complaint was filed, the Commission is authorized to review the CPST rates of cable systems not subject to effective competition upon the filing of a valid complaint. At the time the complaint was filed, Section 623(c) (3) of the Communications Act required that complaints be filed within "a reasonable period of time" following a change in rates.<sup>4</sup> The Commission determined that "a reasonable period of time" is 45 days.<sup>5</sup> In order to facilitate subscriber knowledge of the nature and extent of a rate increase and provide evidence of subscribership and the rate and service involved, the Commission determined that it would compute the time period for filing a complaint from the date the complainant receives a bill from a cable operator that reflects the rate change.<sup>6</sup> Section 76.953 of the Commission's rules, in effect at the time the complaint was filed, provides that complaints against CPST rate increases must be filed with the Commission within 45 days

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<sup>1</sup> Effective March 25, 2002, the Commission transferred responsibility for resolving cable programming services tier rate complaints from the former Cable Services Bureau to the Enforcement Bureau. *See Establishment of the Media Bureau, the Wireline Competition Bureau and the Consumer and Governmental Affairs Bureau, Reorganization of the International Bureau and Other Organizational Changes*, FCC 02-10, 17 FCC Rcd 4672 (2002).

<sup>2</sup> The term "Operator" includes Operator's successors and predecessors in interest.

<sup>3</sup> 47 U.S.C. §543(c) (1996).

<sup>4</sup> 47 U.S.C. §543(c) (3) (1996).

<sup>5</sup> *See Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation, First Order on Reconsideration, Second Report and Order, and Third Notice of Proposed Rulemaking*, MM Docket No. 92-266, 9 FCC Rcd 1164 at n. 314 (1994).

<sup>6</sup> *See Implementation of Sections of the Cable Television Consumer Protection and Competition Act of 1992: Rate Regulation, Report and Order and Further Notice of Proposed Rulemaking*, MM Docket No. 92-266, 9 FCC Rcd 5631 at n. 333 (1993).

from that date.<sup>7</sup>

3. The first complaint, filed on October 3, 1994, was filed prematurely. Complainant indicates that she received the first bill reflecting Operator's CPST rate increase on September 16, 1994. However, the attached September 1994 bill shows no CPST rate increase for the month of September 1994. Although Operator provides notice of a future rate increase with the September 1994 bill, complainant does not include a bill showing the actual rate increase. In the second complaint, complainant indicates that she received the first bill reflecting Operator's CPST rate increase on May 16, 1995. However, the attached May 1995 bill shows no CPST rate increase for the month of May 1995. A second attached bill showing an April 1995 CPST rate increase would have been received by complainant some time in April. We cannot determine if the complaint, filed on June 2, 1995, was filed within 45 days of complainant's receipt of the first bill reflecting the April 1995 CPST rate increase, because complainant did not indicate when she received the April 1995 bill. For these reasons, we dismiss the referenced complaints because we are unable to conclude that the complaints were filed in a timely manner.

4. Accordingly, IT IS ORDERED, pursuant to Sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111 and 0.311, that the complaints referenced herein against the CPST rates charged by Operator in the community referenced above ARE DISMISSED.

FEDERAL COMMUNICATIONS COMMISSION

David H. Solomon  
Chief, Enforcement Bureau

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<sup>7</sup> 47 C.F.R. § 76.953 (1995).